

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA


JEROME LIVINGSTON,	:
Petitioner	:
v.	: Case No. 3:22-cv-93-KAP
MELISSA HAINSWORTH,	:
SUPERINTENDENT, S.C.I. LAUREL	:
HIGHLANDS,	:
Respondent	:

Memorandum Order

On June 9, 2022, petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging petitioner's custody on the sentence imposed in Commonwealth v. Livingston, CP-51-CR-8510-2015 (C.P. Philadelphia). Petitioner is imprisoned at S.C.I. Laurel Highlands, in the Western District of Pennsylvania. Since Philadelphia is in the Eastern District of Pennsylvania, both this district and the Eastern District have jurisdiction to entertain this petition. See 28 U.S.C. § 2241(d); Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004) ("§2241(d) provides that when a petitioner is serving a state criminal sentence in a State that contains more than one federal district, he may file a habeas petition not only 'in the district court for the district wherein [he] is in custody,' but also 'in the district court for the district within which the State court was held which convicted and sentenced him'; and 'each of such district courts shall have concurrent jurisdiction to entertain the application.'")

Following the typical practice that petitions are best decided in the district where the prosecution took place, I order the Clerk to transfer this petition to the United States District Court for the Eastern District of Pennsylvania for further proceedings as that Court deems appropriate.

DATE: June 9, 2022



Keith A. Pesto,
United States Magistrate Judge

Notice by U.S. Mail to:

Jerome Livingston QH-6728
S.C.I. Laurel Highlands
5706 Glades Pike
P.O. Box 631
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